



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

80398.P561

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on January 17, 2007Signature Y TanakaTyped or printed name Yuko Tanaka

Application Number

10/662,857

Filed

09/15/2003

First Named Inventor

Mark Kenneth Eyer

Art Unit

2612

Examiner

Shimizu, Matsuichiro

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☐

attorney or agent of record.

Registration number _____

☒

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 41,181

Jan Little-Washington
Signature

Jan Little-Washington

Typed or printed name

(206) 292-8600

Telephone number

1/17/2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐

*Total of _____ forms are submitted.

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Rejections to Be Reviewed

Rejections under 35 U.S.C. §102(b)

Claims 1-4, 6-7, and 14-16 stand rejected as being anticipated by *Schultheiss*.

Rejections under 35 U.S.C. §103(a)

Claim 5 stands rejected as being obvious over *Schultheiss* in view of *Darbee*. Claims 8-10 stand rejected as being obvious over *Schultheiss* in view of *Shintani*. Claims 11-13 and 17-18 stand rejected as being obvious over *Schultheiss* in view of and *Teirikangas*. Claim 21 stands rejected as being obvious over *Harrington* in view of *Teirikangas*.

Summary of Claimed Subject Matter

Applicant's invention as claimed allows a data code sequence sent from a remote control unit designed to control a first device to control a second device, which does not recognize or respond to messages from the remote control unit (§ [0011] of Applicant's Specification). The first device may generate a representation of the data code sequence, from sampling the data code sequence, for example, and may place the representation of the data code sequence on a bus so the second device may be controlled by the representation of the data code sequence and respond to the message appropriately (§ [0034] of Applicant's Specification).

Summary of Prosecution History

Schultheiss discloses using a personal computer to relay television signals to and from a telephone network. *Schultheiss* uses a "unified television/personal computer/telephone wireless remote control" to control the television, a personal computer, and telephone (col. 2, lines 23-38 of *Schultheiss*).

In the first Office Action mailed April 12, 2006, the Examiner determined that the TV command signal 74a in *Schultheiss* is also a representation of itself, the TV command signal 74a (first Office Action, page 3). Applicant's response to the first Office Action filed July 12, 2006 pointed out that the TV command signal 74a in *Schultheiss* cannot be interpreted as a representation of itself to read on the two distinct elements in the claimed invention reciting "a data code sequence" and "a representation of the data code sequence" (Response, page 7).

In the final Office Action mailed October 17, 2006, the Examiner stated that *Schultheiss* discloses that TV command signal 70b is a representation of TV command signal 74b and maintained the rejection (final Office Action, page 2).

Applicant's response to the first Office Action also pointed out that there was no need for *Schultheiss* to generate a representation of command signals if the devices in *Schultheiss* do not recognize the command signals because the TV, PC, and telephone in *Schultheiss* actually do recognize and respond to command signals from the remote control unit in *Schultheiss* (Response, page 7). In the final Office Action, the Examiner did not address Applicant's arguments regarding *Schultheiss* not disclosing generating a representation of remote control signals if the devices in *Schultheiss* do not recognize the remote control signals.

Argument

The Examiner has improperly equated a single element in *Schultheiss* to two distinctly claimed elements. The Examiner also has failed to address Applicant's arguments regarding *Schultheiss* not disclosing generating a representation of remote control signals if the devices in *Schultheiss* do not recognize the remote control signals.

CONCLUSION

Because there are clear errors in the Examiner's rejections, Applicant respectfully requests the Pre-Appeal Conference direct the Examiner to enter an allowance for claims 1-18.

Respectfully submitted,

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: 1/17/2007

Jan Little-Washington
Jan Little-Washington
Reg. No. 41,181
(206) 292-8600

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on January 17, 2007
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Yuko Tanaka
Name of Person Mailing Correspondence

Y. Tanaka January 17, 2007
Signature Date